

STATEMENT OF THE HONORABLE JAMES L. OBERSTAR
RANKING DEMOCRATIC MEMBER OF THE TRANSPORTATION & INFRASTRUCTURE
COMMITTEE
BEFORE THE COMMITTEE ON RULES
SUBCOMMITTEE ON TECHNOLOGY AND THE HOUSE
JUNE 16, 2004

Mr. Chairman, Ranking Member McGovern, and Members of the Committee, I am pleased to have the opportunity to discuss with you possible changes to Rule X, which deals with Committee jurisdiction. My focus will be on whether Rule X should be amended to authorize the Select Committee on Homeland Security which has only been authorized through the end of the 108th Congress. My recommendation is that the Select Committee should not be authorized as a Committee with legislative jurisdiction, and that legislative authority over the Department of Homeland Security and its agencies should remain with the Committees which now have this jurisdiction.

I take this position on the basis of my experience of 29 years in the House, during which time I have given high priority to security, particularly the security of our transportation system.

In 1988, after the terrorist attack on Pam Am Flight 103, I authored legislation creating the President's Commission on Aviation Security and Terrorism. I was privileged to serve as a Member of that Commission. When the Commission completed its work, I introduced legislation embodying its recommendations, and

these recommendations were the basis for the landmark Aviation Security Improvement Act of 1990.

Following the tragic events of Sept. 11, 2001, I was actively involved in developing the Aviation & Transportation Security Act of 2001, which transferred security responsibilities from the airlines and private contractors to the federal government. I was actively involved in developing the Maritime Transportation Security Act of 2002, which established a new security system for vessels and facilities along the navigatable waters of the United States.

The Select Committee on Homeland Security provided badly needed oversight as the new Department of Homeland Security began the difficult task of moving and integrating scores of government departments, with more than 180,000 employees. The Select Committee did a commendable job of overseeing the process of organizing the new Department, but the decisions on security policy should remain – as it currently does – with the Committees that have the history and expertise in these areas.

There have been proposals to continue the Select Committee and expand its jurisdiction to give it primary jurisdiction over all legislation affecting the Homeland Security Department and all of the agencies incorporated in the Department. I

strongly oppose this change because I believe it would undermine our effectiveness in overseeing the Departments and its agencies.

A first difficulty is that the agencies making up the Department have many responsibilities that are not related to security. I will focus on agencies within the Transportation and Infrastructure Committee's jurisdiction; I expect that the other Committees with jurisdiction over Homeland Security issues will do the same for their agencies.

The Transportation and Infrastructure Committee (T&I Committee) has legislative responsibility over several agencies with both security and non-security functions that have been transferred to the Department of Homeland Security. For example, the Coast Guard has numerous responsibilities that are not directly related to security. The Coast Guard conducts commercial safety inspections; it licenses mariners; it has a system for registering vessels; it establishes and maintains buoys and other navigation aids, and it has responsibility for recreation boating recalls. The issues involving these responsibilities are complex, having evolved over many years. The T&I Committee has the Member expertise, the staff and the institutional memory to deal with these issues. I believe that the quality of Congressional oversight and legislation on these issues would be diminished if a new Committee was simply given responsibilities for all these issues. It could take years for the new Committee to

develop the institutional background and expertise that currently resides in our Committee.

The T&I Committee also has legislative responsibility over the Federal Emergency Management Agency (FEMA), which was transferred to the Department of Homeland Security and split in two. FEMA has the responsibility to prepare for and respond to disasters of all kinds—both natural, such as hurricanes and floods, and manmade. Since FEMA's creation in 1979, the Transportation Committee has prepared and reported numerous pieces of legislation designed to further FEMA's all-hazards mission. I am concerned that this history and experience would be lost if oversight of FEMA is permanently transferred to the Select Committee, and that, in a Committee focused on terrorism and security issues, FEMA's traditional, and critically important, mission of preparing for and responding to natural disasters may not receive the attention and oversight that it deserves.

Our Committee is also the best equipped to deal with security issues affecting transportation. As I have already mentioned, our Committee developed the landmark Aviation Security Improvement Act of 1990 (P.L. 101-604), which mandated background checks for airline and airport employees and the deployment of bomb detection equipment for baggage at our nation's airports. During the 1990's, our Committee continued to respond to the changing security needs through oversight

and legislation. In the aftermath of the September 11, 2001, the T&I Committee drafted and marked-up the Aviation and Transportation Security Act of 2001 (ATSA). ATSA established a new Transportation Security Administration (TSA), federalized the screening workforce, and required the screening of all checked baggage to protect against terrorist threats.

While TSA was transferred to the newly created Department of Homeland Security, our Committee retained its jurisdiction over TSA's transportation security activities. Since September 11th, our Aviation Subcommittee has held 16 hearings focusing on all aspects of security, including the deployment and use of security technology, general aviation, checked baggage screening systems, the computer assisted passenger pre-screening system, flight deck officer program, defense systems against missiles, and the financial impact of security on the aviation industry. Clearly our Committee has the expertise and the commitment to deal with aviation and other transportation related security. It would take a new Committee years to develop the background and expertise necessary to effectively deal with these issues.

Moreover, it is important to have a single Committee balance the needs of security with those of safety, and the efficiency of our transportation system. The safety and efficiency of our transportation system are the responsibility of the

Department of Transportation and the Committee on Transportation and Infrastructure oversees these programs.

To illustrate these interrelationships, some aviation security decisions have safety implications, and there is a need to balance possible security benefits against possible safety risks. For example, there may be safety risks if pilots are armed and fire shots which damage the aircraft. Similarly, if equipment is added to the body of aircraft to counteract missiles fired from the ground there may be an effect on aerodynamics and safety.

There is also a need to balance security needs with the continued viability of our transportation system. Some security measures will add greatly to the time required for passengers to travel, or limit the ability of our transportation system to provide for the efficient movement of cargo. These needs must be balanced with security benefits and weighed against the costs of benefits and alternative measures. Aviation is an \$800 billion sector of the U.S. national economy and the cornerstone upon which all other sectors rely to make economic progress. The opportunity, both in the U.S. and abroad, to travel for business has fostered a tremendous growth in electronics and aircraft manufacturing, communications, and tourism, which supports a \$1.6 billion sector worldwide.

Much of our economy depends on a “just in time” delivery system using all modes of transportation. If security measures undermine the effectiveness of this system, factory lines may shut down and retail stores may find it difficult to obtain the goods that Americans need in their daily lives. The Transportation and Infrastructure Committee has a long history of dealing with the tradeoffs between safety, security and economics. Again, I am concerned that a new Committee would lack the background and expertise to most effectively deal with these issues, and that we could lose the expertise that has developed over the years, or in my case, nearly three decades of working with these issues. It is not enough to say that Members with particular areas of expertise will have an opportunity to be heard on these issues. The most effective way to influence policy is to be part of the debate and discussion in the early stages of policy formation; simply voting yes or no when legislation makes it to the House floor is generally not sufficient participation to craft policy.

Supporters of consolidating all jurisdiction over the Department in one congressional committee argue that it is inefficient and distracting for the Department to have to deal with several committees. These arguments ignore the fact that the system of Committees we have established in the House is not based on an exclusive one to one relationship between each Committee and a cabinet agency; rather our Committee system is based on subject matter such as, science, small business,

Attachment to Testimony of the Honorable James L. Oberstar

AGENCY	HOUSE COMMITTEES HAVING JURISDICTION
DEPARTMENT OF AGRICULTURE	<ul style="list-style-type: none"> - Agriculture Committee - Resources Committee - Government Reform Committee - Financial Services Committee - International Relations Committee - Small Business Committee - Select Com. On Homeland Security - Budget Committee - Appropriations Committee
DEPARTMENT OF COMMERCE	<ul style="list-style-type: none"> - Energy & Commerce Committee - Financial Services Committee - Ways & Means Committee - Science Committee - Resources Committee - International Relations Committee - Government Reform Committee - Judiciary Committee - Transportation & Infrastructure Com. - Budget Committee - Appropriations Committee
DEPARTMENT OF DEFENSE	<ul style="list-style-type: none"> - Armed Services Committee - Veterans Affairs Committee - Judiciary Committee - Education & the Workforce Committee - Financial Services Committee - Government Reform Committee - Intelligence Committee - International Relations Committee - Transportation & Infrastructure Com. - Budget Committee - Appropriations Committee
DEPARTMENT OF EDUCATION	<ul style="list-style-type: none"> - Education & the Workforce Committee - Financial Services Committee - Ways & Means Committee - Government Reform Committee - Agriculture Committee - Resources Committee - Science Committee - House Administration Committee - Budget Committee - Appropriations Committee

DEPARTMENT OF ENERGY	<ul style="list-style-type: none"> - Energy & Commerce Committee - Science Committee - Resources Committee - Government Reform Committee - Small Business Committee - Ways & Means Committee - Financial Services Committee - International Relations Committee - Transportation & Infrastructure Com. - Budget Committee - Appropriations Committee
DEPARTMENT OF HEALTH & HUMAN SERVICES	<ul style="list-style-type: none"> - Energy & Commerce Committee - Ways & Means Committee - Government Reform Committee - Financial Services Committee - Energy & Commerce Committee - Science Committee - Resources Committee - Judiciary Committee - Select Com. on Homeland Security - Budget Committee - Appropriations Committee
DEPARTMENT OF HOMELAND SECURITY	<ul style="list-style-type: none"> - Select Com. On Homeland Security - Judiciary Committee - Transportation & Infrastructure Com. - Energy & Commerce Committee - Armed Services Committee - International Relations Committee - Science Committee - Financial Services Committee - Government Reform Committee - Education & the Workforce Committee - Intelligence Committee - Budget Committee - Appropriations Committee
DEPARTMENT OF HOUSE AND URBAN DEVELOPMENT	<ul style="list-style-type: none"> - Financial Services Committee - Small Business Committee - Government Reform Committee - Transportation & Infrastructure Com. - Agriculture Committee - Judiciary Committee - Budget Committee - Appropriations Committee

DEPARTMENT OF INTERIOR	<ul style="list-style-type: none"> - Resources Committee - Science Committee - Agriculture Committee - Energy & Commerce Committee - Resources Committee - Transportation & Infrastructure Com. - Government Reform Committee - Justice Committee - Budget Committee - Appropriations Committee
DEPARTMENT OF LABOR	<ul style="list-style-type: none"> - Education & the Workforce Committee - Ways & Means Committee - Small Business Committee - Financial Services Committee - International Relations Committee - Veterans Committee - Judiciary Committee - Government Reform Committee - Resources Committee - Transportation & Infrastructure Com. - Budget Committee - Appropriations Committee
DEPARTMENT OF JUSTICE	<ul style="list-style-type: none"> - Judiciary Committee - Select Com. On Homeland Security - Energy & Commerce Committee - Financial Services Committee - Small Business Committee - Ways & Means Committee - Education & the Workforce Committee - Resources Committee - Government Reform Committee - Science Committee - Transportation & Infrastructure Com. - Agriculture Committee - Intelligence Committee - International Relations Committee - Budget Committee - Appropriations Committee

DEPARTMENT OF STATE	<ul style="list-style-type: none"> - International Relations - Financial Services Committee - Intelligence Committee - Armed Services Committee - Resources Committee - Science Committee - Judiciary Committee - Transportation & Infrastructure Com. - Energy & Commerce Committee - Small Business Committee - Ways & Means Committee - Government Reform Committee - Select Com. on Homeland Security - Budget Committee - Appropriations Committee
DEPARTMENT OF TRANSPORTATION	<ul style="list-style-type: none"> - Transportation & Infrastructure Com. - Select Com. on Homeland Security - Science Committee - Small Business Committee - Government Reform Committee - International Relations Committee - Education & Labor Committee - Ways & Means Committee - Judiciary Committee - Resources Committee - Armed Services Committee - Budget Committee - Appropriations Committee
DEPARTMENT OF TREASURY	<ul style="list-style-type: none"> - Financial Services Committee - Ways & Means Committee - Government Reform Committee - Agriculture Committee - Education & the Workforce Committee - Intelligence Committee - Small Business Committee - Transportation & Infrastructure Com. - Veteran's Affairs Committee - International Relations Committee - Judiciary Committee - Select Com. on Homeland Security - Budget Committee - Appropriations Committee

DEPARTMENT OF VETERAN'S ADMINISTRATION	<ul style="list-style-type: none">- Veteran's Affairs Committee- Armed Services Committee- Financial Services Committee- Government Reform Committee- Budget Committee- Appropriations Committee
---------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

* Resources used: Congressional Quarterly's Washington Information Directory, Agencies' Congressional Testimony and phone calls to Agencies' Congressional Affairs offices.